

EXHIBIT 8

EXPERT REPORT OF DEFENDANT AETC

**AGERE SYSTEMS V. AETC ET AL.
CIVIL ACTION NO. 02-3830 (LDD)
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
OF PENNSYLVANIA**

RANSOM
Environmental

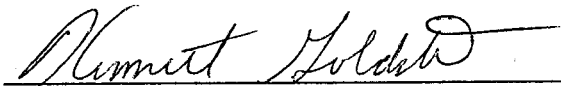
EXPERT REPORT OF DEFENDANT AETC

**AGERE SYSTEMS V. AETC ET AL.
CIVIL ACTION NO. 02-3830 (LDD)
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
OF PENNSYLVANIA**

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Ransom Project # 060150

September 2006

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1.0 PURPOSE AND SCOPE

This expert report has been prepared by Ransom Environmental (Ransom) of Hamilton, New Jersey, for Wolff & Samson PC, counsel representing Advanced Environmental Technology Corporation (AETC) in the matter of the Agere Systems v. AETC, et al. The matter involves a Complaint filed by Plaintiffs¹ seeking damages related to the cleanup of the Boarhead Farms Superfund Site in Bridgeton Township, Pennsylvania (Site). AETC is one of several Defendants named in the Amended Complaint.

The opinions presented herein are based on information provided by counsel, including correspondence, memoranda, bills of lading, invoices, deposition testimony and other such materials. In addition, Ransom was asked to review three expert reports provided by the Plaintiffs² in this matter. None of the three expert reports reviewed by Ransom provides a nexus between AETC and the hazardous waste allegedly improperly discharged at the Site. In fact, the only mention of AETC is in the reiteration of the litigation caption in one of the reports.

Nonetheless, counsel has requested that Ransom assess the actions of AETC in providing brokering services to two hazardous waste generators whose wastes were allegedly improperly disposed at the Site in the 1976 – 1977.

Ransom's opinions are also based on our knowledge of the applicable Federal, Pennsylvania and New Jersey regulations, as well as professional experience. Ransom reserves the right to supplement this report as additional information becomes available. This report has been prepared to a reasonable degree of scientific certainty.

¹ The Plaintiffs, formerly known as the Boarhead Farms Agreement Group, consists of Agere Systems, Inc., Cytec Industries, Inc., Ford Motor Company, SPS Technologies, LL and TI Group Automotive Systems, LLC.

² Report of Expert Witness; Boarhead Farms Agreement Group v. Advanced Environmental Technology Corporation, et al., Jurgen H. Exner, Ph.D., June 29, 2006

Report of Raymond F. Dovell, CPA re: Boarhead Farms Superfund Site; Asset Searched for Manfred T. DeRewal and Certain Other Parties, June 29, 2006

Expert Report of Jay Vandeven re: Boarhead Farms Superfund Site, June 30, 2006

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2.0 QUALIFICATIONS AND EXPERIENCE

The opinions expressed herein are those of Kenneth Goldstein, P.E. Mr. Goldstein is Director of Technical Services at Ransom, and possesses thirty years of professional experience in the private and public sectors. He has a broad range of technical and regulatory expertise in soil and groundwater remediation, waste disposal requirements, underground storage tank (UST) management, wastewater treatment processes, and stormwater management.

Mr. Goldstein has worked as a consultant in the private sector for 14 years. For 16 years prior to joining the private sector, Mr. Goldstein held various managerial positions in the New Jersey Department of Environmental Protection (NJDEP), including Chief of the Bureau of Underground Storage Tanks, Chief of the Bureau of Applicability and Compliance, and Chief of the Industrial Pretreatment Section. He directed or assisted in the development and implementation of new regulatory programs for USTs, industrial pretreatment, and sludge management, including the development of the New Jersey Pollutant Discharge Elimination System (NJPDES) regulations.

Mr. Goldstein's resume and a list of his recent expert witness experience are provided in Appendix A.

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3.0 FACTUAL BACKGROUND

The following section is provided for context. Greater details are available in various documents within the project file. A list of relevant documents reviewed is provided in Appendix B.

In the 1976-77 timeframe, AETC's business operations consisted of bringing together generators of hazardous waste with facilities that provided waste disposal alternatives. Two of AETC's customers during this time period, Ashland Chemical Company (Great Meadows, New Jersey) and Diaz Chemical Corporation (Holley, New York), generated highly acidic waste streams and more dilute acidic waste streams. AETC became aware of an acid treatment (via neutralization) and disposal facility in the Wissinoming section of Philadelphia operated by DeRewal Chemical Company (a/d/a Environmental Chemical Control).³ AETC brokered business deals between these two generators and the treatment and disposal facility, whereby DeRewal Chemical Company would come to the two chemical manufacturing facilities and collect the waste streams into tanker trucks. The tanker trucks owned by DeRewal Chemical Company would transport the waste streams to the Philadelphia facility operated by DeRewal Chemical Company for proper treatment and disposal. Unbeknownst to these two generators and AETC, DeRewal Chemical Company improperly and secretly transported some of that waste stream to an isolated, rural, property owned by Manfred DeRewal, which later became known as the Boarhead Farms Superfund Site, where the waste streams were allegedly discharged to the ground without treatment. During the same time period, DeRewal Chemical Company was surreptitiously discharging acidic waste streams directly into the Delaware River. AETC had ceased doing business with DeRewal Chemical in early 1977 following a dispute over monies owed and permanently ceased relations when DeRewal Chemical Company's surreptitious illegal disposal practices were discovered by Pennsylvania authorities in 1977.

³ Although AETC primarily knew of the company as Environmental Chemical Control, Inc. in the 1976-1977 time frame, for the purposes of this report, the company name DeRewal Chemical Company will be used.

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4.0 STATE OF THE ART OF HAZARDOUS WASTE MANAGEMENT IN 1970S

4.1 National Program

In 1970, the Congress identified hazardous waste storage and disposal as a problem of grave national concern. Section 212 of the Resource Recovery Act of 1970 required EPA prepare a comprehensive report to the Congress on hazardous waste storage and disposal. The June 30, 1973 report entitled, *Disposal of Hazardous Waste*, concluded that:⁴

- the management of the Nation's hazardous residues is generally inadequate;
- public health and welfare are threatened unnecessarily by uncontrolled waste discharge; and
- hazardous waste disposal on the land is increasing.

Due to a lack of regulatory oversight and enforcement, waste generators had little or no pressure to properly manage their hazardous waste disposal practices.⁵ Few controls existed over hazardous waste. With permissive or totally absent legislation, the most inexpensive disposal method was generally used regardless of environmental consequences. As a result, public health and the environment were threatened.⁶

Both principals from AETC testified in this litigation that hazardous waste transport and disposal were handled by garbage men during this time period, implying the lack of sophistication and effective government controls on the management of these wastes.^{7 8}

To address the identified problems, Congress passed the Resource Conservation and Recovery Act (RCRA) on October 21, 1976. Congress intended RCRA to insure that hazardous wastes

⁴ Report to the Congress, *Hazardous Waste Programs Will Not be Effective: Greater Efforts are Needed*, prepared by the Comptroller General, United States General Accounting Office, January 23, 1979, p.2

⁵ Report to Congress, January 23, 1979, p.2

⁶ Report to the Congress, *How to Dispose of Hazardous Waste – A Serious Question That Needs to be Resolved*, prepared by the Comptroller General, United States General Accounting Office, January 23, 1979, p.2

⁷ Deposition of Robert Landmesser, November 22, 2004, p.32

⁸ Deposition of John Leuzarder, November 29, 2004, p.13

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would be properly managed and sought to regulate them from 'cradle to grave.'⁹ RCRA banned all open dumping of waste, encouraged source reduction and recycling and promoted the safe disposal of municipal waste.

EPA was given 18 months to prepare rules and regulations governing waste disposal, but the task was much greater and would take longer than Congress anticipated.¹⁰ The two reports to Congress by the Government Accounting Office (GAO) during the time period while EPA was preparing rules provide a glimpse into the issues faced by EPA in regulating hazardous waste.

The primary components of the RCRA rules under preparation included:

- development of a definition of hazardous waste;
- establishment of a manifest system to track wastes from point of generation to ultimate disposal at a permitted Treatment, Storage, and Disposal (TSD) facility; and
- development of standards for the operation of TSDs.¹¹

However, the problem across the nation was that there was a shortage of acceptable disposal facilities at that time, and the GAO and EPA were concerned that the disposal problem would become more acute as 1) additional wastes were added to the hazardous waste list, 2) wastes previously stored in an environmentally unsound manner would now require proper disposal, and 3) wastes previously treated and disposed on company property would now be transported to approved offsite disposal facilities.¹²

The concern regarding the disposal situation was compounded by the simple lack of available data on hazardous waste generation and disposal. The GAO visited or contacted officials in 26 states regarding the status of their hazardous waste programs. The state regulators did not know the volume of hazardous waste generated nor could they adequately account for the disposition

⁹ Report to Congress, January 23, 1979, p.2

¹⁰ EPA was required to develop the regulatory framework by April 21, 1978, but the rules were not promulgated until May 19, 1980.

¹¹ Report to Congress, December 19, 1978, p.3

¹² Report to Congress, December 19, 1978, p.i

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of these wastes.¹³ According to a January 1977 EPA report, 24 states did not have any incineration, treatment or disposal facilities.¹⁴ As of March 1978, for example, New Jersey had only seven commercial offsite disposal facilities. A prohibition existed against any dumping of hazardous waste in landfills; the last landfill (Kin-Buc) closed in June 1976.¹⁵

In order to eliminate the improper disposal of wastes, additional environmentally sound disposal facilities were critical to the successful implementation of the RCRA-mandated hazardous waste regulatory program. Based on the GAO's survey, this capability did not exist in 1978.¹⁶ The GAO concluded that until a regulatory program was in place and enforced, there would be minimal development of new facilities which would meet the strict environmental standards necessary to provide environmentally sound disposal of hazardous waste. Thus, until regulations were developed and enforced, generators of hazardous waste could choose to avoid paying the high cost of disposal at existing specially designed and acceptable facilities.¹⁷ More critically, generators could not be certain that the government agencies had thoroughly inspected and approved treatment and disposal facilities which claimed to be in compliance.

RCRA also promoted the reduction in the volume of the hazardous wastes generated. Such steps as the reduction or the elimination of hazardous wastes by the substitution of less hazardous raw materials, and better internal quality control procedures to reduce lost product (and thus reduce the volume of wastes). Other techniques such as the isolation of the hazardous waste stream from other waste streams (and thus reduce the hazardous quantity); reduction of the volume of waste via dewatering; and material recovery and reuse did not gain general acceptance or wide use because land disposal was acceptable and cheaper. These techniques of reducing the overall volume of hazardous wastes were expected to become more cost competitive as more stringent controls over disposal and increased enforcement cause disposal costs to increase.¹⁸

¹³ Report to Congress, January 23, 1979, p.5

¹⁴ Report to Congress, December 19, 1978, p.1

¹⁵ Report to Congress, December 19, 1978, p.6

¹⁶ Report to Congress, December 19, 1978, p.5

¹⁷ Report to Congress, December 19, 1978, p.4 – Quote from National Solid Waste Management Association.

¹⁸ Report to Congress, December 19, 1978, p.18

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4.2 New Jersey Regulatory Program Prior to Adoption of RCRA Rules¹⁹

4.2.1 1970

The hazardous waste management program in New Jersey appears to have originated in the adoption of Chapter VIII of the New Jersey Sanitary Code, effective date July 1, 1970. These rules were adopted by the New Jersey Department of Health (NJDOH). The NJDEP was formed about the same time as the rule adoption, and thus was responsible for its implementation.

Regulation 6c is entitled, Hazardous and/or Chemical Wastes, Excluding All Radioactive Waste. The three subparts of Regulation 6c were geared towards the Waste Producer, Hauler and Receiver (defined as landfill operator, chemical incinerator operator, recovery operator or treatment operator) respectively.

The Waste Producer was responsible for providing labels in accordance with Federal regulations for Explosives and Other Dangerous Articles (presumed to be Department of Transportation rules) and otherwise "provide such information s may be required to insure safe disposal." The Waste Producer was also responsible for issuing a bill of lading to accompany the waste shipment which purpose is to communicate potential hazards to handlers of the waste. The bill of lading was intended to identify the type of waste, whether flammable liquid or solid, combustible, dangerous when wet (reactive), oxidizing agent, acid, caustic or other hazards.

The Hauler was responsible for operating under existing state transportation laws, but no details are provided in the Sanitary Code.

The Receiver, along with a general requirement to "operate in compliance with all laws and regulations," had to comply with the following prohibition: "No chemical wastes, liquid or solid shall be deposited in direct or indirect contact with surface or groundwaters of the State."

¹⁹ AETC was a New Jersey based company, as was its customer Ashland Chemical

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The Code does not define hazardous or chemical wastes.

4.2.2 1974

Although the NJDEP promulgated a series of amendments to the hazardous waste regulations in the 1972-3 time frame, including the codification of the rules as N.J.A.C. 7:26, very little changed in the requirements from the Sanitary Code adoption in 1970. NJDEP did prepare a definition of hazardous waste, but it was not very detailed or useful.

However, in June 1974, a broader amendment to the rules provided a more substantial change to the hazardous waste management program. A detailed definition of hazardous waste was provided for the first time, which included references to the federal Occupational Safety and Health Administration (OSHA) and DOT lists of toxic materials, plus generic criteria for other material that exhibits toxic, corrosive, irritating or sensitizing, radioactive, biologically infectious, explosive or flammable characteristics.

The hazardous waste generator has similar requirements as the Waste Producer, but has the added responsibility to assure that the carrier transporting the waste is registered with NJDEP and that the shipment is consigned to a Solid Waste Facility (SWFs) registered with and authorized by the NJDEP. This is first example in the state rules of the cradle to grave notion of having the generator focus on the final disposition of the waste. Generators were also required to submit a list of wastes disposed and their disposal locations to the NJDEP on an annual basis. This allowed the NJDEP to start tracking the volume of wastes generated.

Hauler responsibilities were similar to the 1970 Sanitary Code, with the inclusion of a hauler registration program.

Operators of SWFs had to maintain operating records of all hazardous waste received, including date received, material, source (generator), quantity, carrier, shipping document number, and type of treatment or disposal location. These records would allow NJDEP to track the disposal of hazardous wastes. Additionally, all SWFs receiving hazardous wastes were required to install

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monitoring wells to test if groundwater contamination was occurring as a result of the waste disposal practices. Finally, a ban on disposal of hazardous waste in SWFs (i.e. landfills) after March 15, 1975 was imposed, unless the SWF had installed a leachate collection system approved by the NJDEP.

4.2.3 1978

The rules were further amended in May 1, 1978 to include the category of "special wastes" which had a similar, although not identical, definition as hazardous waste. The intention of the NJDEP in establishing this separate category is not clear from the regulations. The definition of special waste appears to be more inclusive of additional toxic materials. Aside from the change in terminology, the 1978 rules contained further requirements on generators, haulers and disposal facilities of special wastes. Of most import was the imposition of the requirement for all three parties to utilize a state-issued manifest form. The five-part form was completed by the three entities as the waste was moved from generator to transporter to disposer. After the generator filled out the form initially, he retained copy E and sent copy D to the NJDEP. The other three copies went with the transporter to the disposer. After both signed the remaining three forms, the hauler kept copy C, the disposer kept copy B, and the disposer sent copy A to the NJDEP. With this new manifest system in place, NJDEP would be able to track each waste shipment from its point of origin to its disposal location. In addition, each entity of the transportation process also was responsible for ensuring that the waste followed its intended path to its final destination.

4.2.4 Conclusions

1. The NJDOH and the NJDEP were aware of the problem of hazardous waste disposal in 1970 and adopted regulations to control the transport and disposal of such wastes.
2. The rules evolved over time to require generators to identify the disposal facility and eventually complete manifest forms to track the waste from its origin to its treatment or disposal point.

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3. By 1974, NJDEP was aware that unmanaged disposal of hazardous wastes into landfills was contaminating groundwater and banned all future disposal into landfills after March 1975.

4.3 Pennsylvania Regulatory Program Prior to Adoption of the RCRA Rules

The Pennsylvania Department of Environmental Protection (PADEP) regulated waste materials under the authorization of the Solid Waste Management Act of 1968 and Chapter 75, Solid Waste Regulations, promulgated in 1971. These rules were amended in 1977 to specifically define and manage hazardous wastes.

Pennsylvania state officials acknowledge that as of December 1977, they had not implemented a viable hazardous waste program. In a November 1976 report, the Division of Solid Waste Management estimated that only 10% of the hazardous waste generated was subject to enforcement, while 90% was unregulated and uncontrolled.²⁰

²⁰ Report to Congress, January 23, 1979, p.9

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right price to handle, recycle and dispose of materials correctly.³¹ Leuzarder had a succinct personal goal to "prevent improper dumping."³²

5.2 AETC Business Practices

AETC's primary business objective in its infancy focused on finding alternatives to help customers recycle, recover and properly dispose of hazardous and nonhazardous waste materials.³³ In other words, AETC acted as a broker that tried to match the client's needs for waste management with facilities that provided services to address that need³⁴

In order to provide this service, AETC sought out legitimate haulers and disposal sites. Disposal sites were routinely investigated and discussed with the NJDEP. The company's goal was to protect AETC and customers from unscrupulous disposal facilities.³⁵

AETC provided waste management services by helping identify the chemicals and other waste materials, helping segregate the material by compatibility and packaging per DOT specifications and making recommendations concerning the transport of waste material to State or EPA approved disposal sites. AETC visited proposed disposal sites before any waste was sent to a site. As a broker, AETC gave its customers options of disposal sites and the customer decided on the site based on location and price.³⁶

During this time period, government regulations were in the process of changing. Due to the closure of Kin-Buc, and the increased attention being paid by regulatory officials to waste disposal, AETC provided a valuable service by instructing customers on proper packaging and disposal of hazardous waste.³⁷ In order to best assist its clientele, AETC developed a step-by-step process for customers to prepare Waste Information Profiles of the generated waste

³¹ Deposition of John Leuzarder, November 29, 2004, p. 14-5

³² Deposition of John Leuzarder, November 29, 2004, p. 29

³³ Deposition of John Leuzarder, November 29, 2004, p. 19-20

³⁴ Deposition of John Leuzarder, November 29, 2004, p. 21

³⁵ Deposition of John Leuzarder, November 29, 2004, p. 30-33

³⁶ Defendant AETC's Answer to Plaintiff's Interrogatories, August 16, 2004, #3

³⁷ Deposition of Robert Landmesser, November 22, 2004, p.61

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5.3 AETC Stature

AETC's stature in the hazardous waste business community was significant in comparison to the company's size. Landmesser met with DOT officials regarding transport of hazardous waste.⁴⁸ During the development of the state and federal hazardous waste regulations and programs, AETC individuals met with NJDEP and USEPA officials to provide their input. Landmesser also participated in the writing of RCRA rules.⁴⁹

AETC established, in conjunction with JT Baker Chemical Corporation, a training school focusing on hazardous waste management.⁵⁰ The school trained hazardous waste generators and haulers in the intricacies of the new hazardous waste regulations.⁵¹ The training course was presented in 54 cities throughout North America.⁵²

Leuzarder was involved with NJDEP in the late 1970s in setting up the new hazardous waste rules as well. He also worked with the American Chemical Society for 1.5 years in Washington, contributing to the implementation of RCRA.⁵³

5.4 Conclusions regarding AETC

- a. AETC was formed in 1976 by two individuals interested in improving the treatment, disposal and regulatory oversight of hazardous waste management.
- b. In its early years, AETC was a broker that brought together generators of hazardous waste and transporters and disposal facilities for hazardous waste.
- c. AETC did not own or operate a manufacturing facility that generated hazardous waste.
- d. In the 1976-1977 time frame, AETC did not own any transport vehicles capable of transporting acid waste streams.

⁴⁸ Deposition of Robert Landmesser, November 22, 2004, p. 32

⁴⁹ Deposition of Robert Landmesser, November 22, 2004, p. 56

⁵⁰ Deposition of Robert Landmesser, November 22, 2004, p. 65

⁵¹ Deposition of Robert Landmesser, November 22, 2004, p. 65

⁵² Deposition of Robert Landmesser, November 22, 2004, p. 132

⁵³ Deposition of John Leuzarder, November 29, 2004, p. 29

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6.0 EVALAUTION OF AETC – DEREWAL RELATIONSHIP

6.1 Prior to DeRewal

During the same time period as the incorporation of AETC in 1976, the hazardous waste management industry in New Jersey was undergoing significant changes (see Section 4.0).

Prior to 1976, the Kin-Buc Landfill provided a legal, low-cost alternative for the disposal of certain difficult-to-manage hazardous waste streams. Ashland Chemical (Ashland) produced an acid waste stream that was disposed at the Kin-Buc Landfill. Art Curley, the plant manager of the Ashland facility in Great Meadows, knew John Leuzarder when Leuzarder worked for Scientific (Gaess), owners of the Kin-Buc Landfill. Leuzarder, apparently expressing his concern about the “archaic” practices at the Landfill, told Curley that Kin-Buc was “overtaxed.”⁵⁴ Shortly thereafter, Kin-Buc was closed in April/May 1976. By this time, Leuzarder has started AETC and went calling on Ashland to solicit business. AETC was already handling disposal of Ashland’s lab chemicals when the critical issue of the disposal of the acid stream arose, so AETC focused on that task.

Shortly thereafter, Ciba-Geigy, one of Landmesser’s former clients at Scientific/Gaess, started to use DeRewal Chemical Company for the disposal of its similar acid waste stream. Ciba-Geigy’s waste previously went to Kin-Buc until the closure in April/May 1976.⁵⁵ AETC saw the opportunity to broker a disposal agreement between Ashland and DeRewal. The introduction of DeRewal to Ashland by AETC assisted Ashland greatly. Curley was very grateful to AETC for its effort to assist them.⁵⁶

⁵⁴ Deposition of Arthur Curley, December 9, 2004, p. 108-9

⁵⁵ Deposition of Robert Landmesser, November 22, 2004, p. 166-7

⁵⁶ Deposition of Arthur Curley, December 9, 2004, p. 108-9

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AETC permanently ended its relationship with DeRewal in March 1977 when they found out that "he was doing things in an improper way."⁸³ More specifically, Landmesser and Leuzarder found out that DeRewal was caught dumping acid into the Delaware River.⁸⁴ AETC had previously ceased business with DeRewal due to a dispute over money.⁸⁵ AETC learned about DeRewal's disposal of waste streams at Boarhead Farms site after cessation of relationship. Although both had visited Manfred DeRewal at Boarhead Farms, they believed the Farm was DeRewal's country residence. AETC never transported any waste to Boarhead Farms, nor did they broker any business deal that contemplated transport of any waste to Boarhead Farms.⁸⁶ The Diaz bills of lading indicate that Wissinoming was the destination of the waste.⁸⁷

6.5 Conclusions regarding the AETC-DeRewal Relationship

- a. Manfred DeRewal was a knowledgeable individual in the treatment of hazardous waste, including the processes of neutralization, metal recovery, and distillation;
- b. DeRewal Chemical Company owned and operated a fleet of specialized tanker trucks, which were needed to transport strong acid wastes;
- c. Manfred DeRewal represented to AETC that DeRewal Chemical Company maintained permits for the discharge of wastewater from its Wissinoming facility and for its transport vehicles. Copies of documents shown to AETC confirmed this representation;
- d. The Wissinoming facility had the necessary equipment and materials to properly neutralize strong acid waste streams;
- e. AETC never accepted ownership of the wastes generated by Ashland or Diaz. The decision to utilize the DeRewal Chemical Company's treatment facility was made by Ashland and Diaz representatives;
- f. Manfred DeRewal and DeRewal Chemical Company deceived AETC and its customers into believing that the entirety of the transported waste streams were being

⁸³ Deposition of John Leuzarder, November 29, 2004, p. 53

⁸⁴ Deposition of John Leuzarder, November 29, 2004, p. 217

⁸⁵ Certification of Robert Landmesser, February 22, 2004

⁸⁶ Certification of Robert Landmesser, February 22, 2004

⁸⁷ Exhibit P-52

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properly treated at the Wissinoming facility. In reality, some portion of the waste streams was being secretly and illegally discharged directly into the Delaware River and into the ground at Boarhead Farms, Manfred DeRewal's country residence.

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7.0 OPINIONS

Based on the documents reviewed, I have developed the following opinions:

1. The state of the art of hazardous waste management at the time of AETC's incorporation and the business deal with the DeRewal Chemical Company was best exemplified by the 1974 amendments to N.J.A.C. 7:26, which required that a hazardous waste generator properly label its waste material, provide a bill of lading to the hauler identifying the waste stream, and consign the waste stream to an approved hauler and disposal facility. Based on the documents reviewed, AETC's customers satisfied these conditions. The hazardous waste regulatory program in Pennsylvania, by the admission of its representatives, was not capable of effectively managing the generation, transport and disposal of hazardous waste in the state. Although RCRA was passed by Congress in October 1976, EPA had not yet had the opportunity to prepare regulations that implemented the new federal law. AETC conducted its business in compliance with the state of the art of hazardous waste management as it existed in 1976-77.
2. The transport of highly acidic waste streams, as generated by Ashland Chemical and Diaz Chemical, required specialized equipment. In the 1976 - 1977 time frame, AETC did not own any tanker trucks capable of transporting these waste streams.
3. AETC did not own or operate a manufacturing facility that generated hazardous waste. There is no evidence that AETC took ownership of any hazardous waste from either generator through a written document. Even if such a document existed, based on my experience as a regulator, it is my opinion that the ownership of the hazardous waste could not pass from a generator to another party under waste management regulations.
4. Manfred DeRewal and DeRewal Chemical Company deceived AETC and its customers into believing that the entirety of the transported waste streams were being properly treated at the Wissinoming facility. In reality, some portion of the waste streams was being discharged surreptitiously directly into the Delaware River and into the ground at Boarhead Farms, Manfred DeRewal's country residence.

APPENDIX A

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APPENDIX A

Resume of Kenneth Goldstein, P.E.

KENNETH

OLDSTEIN, PE

reports and workplans prepared by others and providing technical advice to client. Presented project summaries to governing body.

- < Project Manager for municipal client addressing contaminated private wells caused by Township's public works yard. Wells are contaminated with sodium and chloride originating from road salt discharge. Directed pump tests and water treatment alternative analysis. Developed site-specific reverse osmosis POET designs in conjunction with vendors to address removal of the salt from the drinking water.
- < Project Manager for former manufacturing facility in Winslow NJ that discharged high volumes of ammonia, sulfate and molybdenum into the drinking water aquifer. Directed the sampling of impacted residential supplies, groundwater monitoring and development of groundwater remedial action workplans.
- < Project Manager for study of sewer collection system for industrial facility located in Newark to determine potential for discharge of chlorinated solvents to the subsurface. Analyzed groundwater data to determine source locations.
- < Project Manager for two Cleanup Star projects addressing soil contamination. Approval from NJDEP for both projects was received one week after report submittals.

CLIENT	CASE NAME	ATTORNEY FOR CLIENT	SCOPE OF SERVICES
Hartz Mountain		Curt Michael, Esq. In-house counsel	Prepared expert report and gave deposition testimony on behalf of client for case involving discharge from USTs. (1995)
Home Insurance		Karol Corbin Walker, Esq. St. John & Wayne	Reviewed remedial cost estimate by insurance claimant of \$200-\$300 million for 13 Superfund sites from a major waste company. (1997)
Home Insurance		William McGrath, Esq. Smith Stratton	Reviewed remedial cost estimate by insurance claimant of \$25-\$30 million for four Superfund sites.
Andover Engineering		Jeffrey Walder, Esq. Walder Hayden and Brogan	Reviewed cost expenditure for remediation of UST site.
Evan's Rule		John Alder, Esq. Helling, Goldstein	Prepared expert report and gave deposition testimony on behalf of client in case involving origin of fuel oil discharge on site.

APPENDIX B

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Expert Report of Jay Vandeven re: Boarhead Farms Superfund Site, June 30, 2006

Report to the Congress, *Hazardous Waste Programs Will Not be Effective: Greater Efforts are Needed*, prepared by the Comptroller General, United States General Accounting Office, January 23, 1979

Report to the Congress, *How to Dispose of Hazardous Waste – A Serious Question That Needs to be Resolved*, prepared by the Comptroller General, United States General Accounting Office, January 23, 1979

Defendant AETC's Answer to Plaintiff's Interrogatories, August 16, 2004

Defendant AETC's Motion for Summary Judgment, August 2, 2006

Objections and Responses of Plaintiff to AETC's Initial Set of Interrogatories, September 14, 2004

Deposition of Robert Landmesser, November 22, 2004, December 6, 2004, December 28, 2004

Deposition of John Leuzarder, November 29, 2004, December 6, 2004

Deposition of Arthur Curley, December 9, 2004

Deposition of David Michelman, December 1, 2004

Deposition of Walter Risi, January 14, 2005

Deposition of Diane Shampire, February 8, 2005

Certification of Robert Landmesser, February 22, 2004

Bills of Lading, Invoices and various correspondence regarding the relationship amongst DeRewal Chemical Company, AETC and waste generators.